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June 29, 2023

Via ECF

The Honorable Katherine Polk Failla  
United States District Court, S.D.N.Y.  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: Catalyst Advisors, L.P. v. Catalyst Advisors Investors Global, Inc. and Christos Richards; Civil Action No. 1:21-cv-04855-KPF

Dear Judge Failla,

As you know, our firm, along with Gordon, Fournaris & Mammarella, P.A., represent the defendants, Catalyst Advisors Investors Global, Inc. (“CAIG”) and Christos Richards (“Richards”; collectively “Defendants”) in the above-captioned action. Pursuant to the Court’s text order dated June 26, 2023, we write regarding the re-filing of our Motion In Limine and to seek leave to file certain exhibits thereto under seal.

Specifically, Defendants’ seek to file Exhibit H and Exhibit J to Defendants’ Memorandum of Law in Support of Defendants’ Motion to Preclude the testimony of Alyson Archer, Kalman Barson, and Tino Kyprianou under seal pursuant to Federal Rule of Civil Procedure 5.2, this Court’s Individual Rules, and the Protective Order entered into on December 22, 2022 (ECF # 40). We are concurrently re-filing the motion papers, with a Notice of Motion and Proposed Order (a word version of which is also attached) as directed, with the referenced exhibits excluded per Your Honor’s Individual Rules.

Plaintiff marked Exhibit H and Exhibit J “Confidential” pursuant to the Protective Order. Presumably, in Plaintiff’s view, these exhibits contain financial information the public dissemination of which may cause business, commercial, or financial harm to Plaintiff if publicly filed. Defendants do not necessarily share that view but this request is in keeping with the Protective Order.

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As such, Defendants respectfully request that Exhibit H and Exhibit J be filed under seal.

Respectfully submitted,

/s/ Lainie E. Cohen  
Lainie E. Cohen, Esq.

cc: counsel for Plaintiff via ECF

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket entry 73.

Dated: June 30, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE